

Action dated November 13, 2007 was not received by the attorneys of record. Said PETITION set forth the background facts and provided evidence that the Office Action dated November 13, 2007 had not been entered into the permanent mail log in which all papers from the USPTO which require a response are logged. The DECISION ON PETITION dated August 4, 2008 did not question the evidence concerning the incoming mail log but stated the following:

"However, Petitioner has failed to either describe the docketing system that Petitioner has in place or establish that it is sufficiently reliable.

"Moreover, Petitioner has not provided a copy of the master docket for the firm, or state that no such master docket exists."

Senior Attorney Paul Shanoski is thanked for the supplemental information during a telephone conversation on September 25, 2008, that a description of the procedure used to docket the dates on which Office Actions and other papers received from the USPTO which require a response are docketed,

and suggested that this description of the docketing procedure should be by the person making the docket entries. The attached DECLARATION OF SUBRINA DOOKIE dated October 2, 2008, the firm's docket clerk, is made a part hereof.

Mrs. Dookie's DECLARATION explains that she makes an entry of mail from the USPTO which requires a response in the incoming mail log which is a spiral notebook into which pages cannot be added (or replaced). She then enters the data in a page of an annual bound diary docket on the date in which the term for responding ends and enters the data in the firm's PATTSY computer docket system. The file is then given to the secretary of the attorney in charge of that application. At the end of each month, Mrs. Dookie generates "green" docket sheets from the PATTSY computer docket system which identifies all USPTO responses due during the following month for each attorney, and then cross-checks these green docket sheet entries against the daily entries in the diary docket for the same month. The "green" sheets are then given to the respective attorney's secretary.

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**



10-6-08

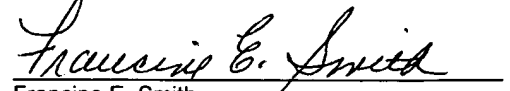
DAL
IFW

Appl. No. : 10/577,970
Applicant(s): Yukiko SUGIHARA et al
Filed : May 3, 2006
For : POLYSACCHARIDE-CONTAINING
COMPOSITION AND TEAR FILM
STABILIZING OPHTHALMIC
SOLUTION
Art Unit : 1623
Examiner : Jonathan S. LAU
Docket No. : 06303/HG
Customer No.: 01933
CONFIRMATION NO. : 7540

Express Mail Mailing Label
No.: EM 289193000 US

Date of Deposit: October 3, 2008

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Francine E. Smith

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by Form PTO-2038 attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

**RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.181(a) FOR
THE WITHDRAWAL OF THE HOLDING OF ABANDONMENT BECAUSE OF
NON-RECEIPT OF OFFICE ACTION**

**ATTENTION: SENIOR ATTORNEY PAUL SHANOSKI
OFFICE OF PETITIONS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP PETITION

Sir:

This is the renewal of the PETITION filed June 19, 2008,
that the holding of abandonment be withdrawn because the Office

My secretary also maintains a non-permanent docket in which the term for responding to a USPTO paper is entered on a movable docket strip which identifies the application and the end of the response term date. These movable docket strips are maintained in a folder designed for maintaining said movable docket strips in due date order. When a Response has been transmitted to the USPTO, the strip is removed. The date on which the Response is transmitted to the USPTO is entered on the green sheet. If instead of responding, the application is abandoned or the term for responding is extended, this information is entered on the green sheet. The green sheets are returned to Mrs. Dookie at the end of the month and she enters the appropriate information in the PATTSY computer docket system and the diary docket.

The PETITION filed June 19, 2008, enclosed copies of the incoming mail log for the work days November 13, 2007 through February 13, 2008, as evidence that the Office Action mailed November 13, 2007 was not received in our office. Mrs. Dookie's DECLARATION states that after she makes the entries in the incoming mail log and in the annual bound diary, and that if the November 13, 2007 Office Action had been received, it would have been identified on the December 13, 2007 page of the annual bound

diary. A copy of said page is attached to Mrs. Dookie's DECLARATION. The application which is the subject of this RENEWED PETITION is not identified therein. Mrs. Dookie's DECLARATION also states that she would make an entry of the Office Action in the firm's PATTSY computer docket system, and that said docket system generates monthly "green" sheets for each attorney for USPTO matters having a response date during that month. Mrs. Dookie's DECLARATION attaches a copy of my "green" sheet for the month of December 2007. It does not identify our docket number 06303/HG. It is respectfully submitted that the foregoing establishes that the Office Action of November 13, 2007 was not received.

The present papers have been prepared taking into consideration the procedure and discussion set forth in MPEP 711.03(c)I.A. It is respectfully submitted that the present showing fully supports a decision to withdraw the holding of abandonment on the ground that the Restriction Requirement/Election dated November 13, 2007 was not received by applicants' attorneys. Such a holding is solicited. It is further respectfully submitted that the above-identified patent application has not been abandoned for an excessive period of

RENEWED PETITION PURSUANT
TO 37 C.F.R. § 1.181(a) FOR
THE WITHDRAWAL OF THE HOLDING
OF ABANDONMENT...
Application SN 10/577,970

Customer No. 01933

time before the filing of the present PETITION and accordingly, a Terminal Disclaimer is not required.

Since the Restriction Requirement/Election dated November 13, 2007 was not received by mail in the office of the undersigned, it is respectfully requested that a new Restriction Requirement/Election carrying a new Patent Office mailing date be issued by the USPTO.

It is further respectfully submitted that there should be no fee in connection with this Petition for Withdrawal of the Holding of Abandonment. However, if it is deemed that a fee is required, please charge any required Petition fee against Account No. 06-1378.

Favorable action on this Petition to withdraw the holding of Abandonment and to issue a new Restriction Requirement/Election is respectfully requested.

Respectfully submitted,



HERBERT GOODMAN
Reg. No. 17,081

Frishauf, Holtz, Goodman
& Chick, P.C.
220 Fifth Avenue - 16th Floor
New York, NY 10001-7708
Telephone: (212) 319-4900, Ext. 216
Facsimile: (212) 319-5101

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**



Appl. No. : 10/577,970
Applicant(s): Yukiko SUGIHARA et al
Filed : May 3, 2006
For : POLYSACCHARIDE-CONTAINING
COMPOSITION AND TEAR FILM
STABILIZING OPHTHALMIC
SOLUTION
Art Unit : 1623
Examiner : Jonathan S. LAU
Docket No. : 06303/HG
Customer No.: 01933
CONFIRMATION NO. : 7540

DECLARATION OF SUBRINA DOOKIE

I am an employee of Frishauf, Holtz, Goodman & Chick, P.C.
I am in charge of docketing mail from the USPTO for which there
is a term for responding.

When mail from the USPTO is received, I check it and if
there is a term for responding, I identify the document under the
date in which it was received in our incoming mail log which is
maintained in a spiral notebook. My entry identifies the
application by setting forth the USPTO mail date; our firm docket
number; the type of document; the name of the first named
inventor; the application serial number; and the date when a
response is due.

I then identify the USPTO paper on the page of the diary docket for the date in which the term for responding ends. The diary docket is an annual bound diary from which pages cannot be removed and replaced. A copy of the cover of the 2007 docket diary is attached hereto, together with a copy of the page dated December 13, 2007. If I had received the November 13, 2007 Restriction Requirement, I would have identified our docket number 06303/HG on the December 13, 2007 page. However, it is not identified therein.

I then enter into our PATTSY computer system under the application docket number, the code for the appropriate USPTO action and the USPTO mailing date.

At the end of each month, I generate green docket sheets from the PATTSY computer system of all USPTO responses due during the following month for each attorney. I then check the entries on the green docket sheets against the daily entries in the diary docket for the same month as a cross-check. I then give these sheets to the respective attorney's secretary. During the month, when an Office Action that is identified on the green sheets is responded to, the date is marked on the green sheets. If the

response term is extended, the new due date is indicated. If there will be no response because the client has instructed us to abandon the application, this information is entered on the green sheets. At the end of each month, the secretary returns the green sheets to me and I make the appropriate entries in the PATTSY computer system and in the diary docket. I retain the marked up green sheets in a file. A copy of the green sheet for Mr. Goodman for the month of December 2007 is attached hereto. It does not identify any paper for our docket number 06303/HG.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


SUBRINA DOOKIE

Date: October 2, 2008

2007

**STANDARD
DIARY**

2007 347th day - 18 days follow

THURSDAY

13

DECEMBER

04958	TM-DA	H.D. Buttercup	(RM)	9/12/07
03598	3-DA	Nagai	(LH)	12/13/07
06633	3-DA	Lundgren	(LH)	12/13/07
05182	3-DA	Horiuchi	(LH)	12/13/07
05481	3-DA	Cutler Bass	(RM)	11/20/07
05082	3-DA	Sawada	(LH)	EX
05569	FOA	Iskii	(LH)	See 12/14
04035	FOA	Takei	(LH)	12/12/07
04035	N-App	Takei	(LH)	12/12/07
04452	N-App	Tomoyori	(HG)	REE 11/27

FHGC Custom Docket Report

Atty Selected: HG

Front desk, check old green sheet for Not. of Ap. reminder until 11/2007

From:

12/1/2007

To:

12/31/2007

Docket #	Action	Ext'ns taken	Client Name	Extend To	Date Complete
----------	--------	--------------	-------------	-----------	---------------

12/2/2007

SB C6085/HG	RESPONSE TO OA (1MO)	0	UCHIYAMA & CO.		11/28 ✓
-------------	----------------------	---	----------------	--	---------

12/5/2007

SB C5424PCT/HG	FOREIGN APPLICATION	0	DAIICHI-SANKYO CO., LTD.		
----------------	---------------------	---	--------------------------	--	--

12/6/2007

SB C5614/HG	NOTICE OF APPEAL/RCE	1/8	UCHIYAMA & CO.	1/8	✓
-------------	----------------------	-----	----------------	-----	---

SB C5614/HG	FINAL REJECTION	0	UCHIYAMA & CO.		12/3 ✓
-------------	-----------------	---	----------------	--	--------

SC C6826/HG	NOTICE OF APPEAL/RCE	0	Konica Minolta Technosearch Co., Ltd.	1/6	✓
-------------	----------------------	---	---------------------------------------	-----	---

12/7/2007

SC C4344/HG	RESPONSE TO OA	0	Konica Minolta Technosearch Co., Ltd.	1/7	✓
-------------	----------------	---	---------------------------------------	-----	---

12/8/2007

C7805/LH	3-DAY	0	Konica Minolta Technosearch Co., Ltd.		
----------	-------	---	---------------------------------------	--	--

12/9/2007

SB C4661C/HG	RESPONSE TO OA	1	KISHIMOTO & CO	1/9	✓
--------------	----------------	---	----------------	-----	---

12/11/2007

07805/LH	APPLICATION DUE	0	Konica Minolta Technosearch Co., Ltd.		
----------	-----------------	---	---------------------------------------	--	--

12/12/2007

04850/HG	ISSUE FEE	0	Konica Minolta Technosearch Co., Ltd.		12/6/07 ✓
----------	-----------	---	---------------------------------------	--	-----------

12/15/2007

SB C5189/HG	RESPONSE TO OA (1MO)	0	DAIICHI SANKYO CO., LTD.		11/30 ✓
-------------	----------------------	---	--------------------------	--	---------

12/16/2007

SB 05567/HG	RESPONSE TO OA (1MO)	0	KISHIMOTO & CO		12/10 ✓
-------------	----------------------	---	----------------	--	---------

12/17/2007

SC 05270/HG	ISSUE FEE	0	Konica Minolta Technosearch Co., Ltd.		12/12/07 ✓
-------------	-----------	---	---------------------------------------	--	------------

12/19/2007

SC 05333/HG	RESPONSE TO OA	0	Konica Minolta Technosearch Co., Ltd.		ABANDONED ✓
-------------	----------------	---	---------------------------------------	--	-------------

SB 03492/HG	RESPONSE TO OA (1MO)	0	KISHIMOTO & CO		12/14 ✓
-------------	----------------------	---	----------------	--	---------

12/21/2007

SC 04858/HG	ISSUE FEE	0	Koyo International Patent & Law Office		12/13/07 ✓
-------------	-----------	---	--	--	------------

SC 03578/HG	RESPONSE TO OA	0	Konica Minolta Technosearch Co., Ltd.		12/14 ✓
-------------	----------------	---	---------------------------------------	--	---------

12/25/2007

SB 04556D/HG	ISSUE FEE	0	UCHIYAMA & CO.		12/13/07 ✓
--------------	-----------	---	----------------	--	------------

12/28/2007

SB 05424/HG	APPLICATION DUE	0	DAIICHI SANKYO CO., LTD.		12/11 ✓
-------------	-----------------	---	--------------------------	--	---------

12/29/2007

SB 03019/HG	RESPONSE TO OA	1	KISHIMOTO & CO		12/20 ✓
-------------	----------------	---	----------------	--	---------

Friday, November 30, 2007

GREEN SHEET

Page 1 of 1